

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 H, Closed Area No. 55-C, Whiting - Cutler, promulgated on January 18, 1991, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 H, Closed Area No. 55-C, Northeastern Holmes Bay, Whiting - Cutler.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of a portion of Holmes Bay lying easterly (inside) of a line that begins at the southern tip of an unnamed point in Whiting (located about 600 yards southwest of where State Route 191 crosses Holmes Stream) and runs in a southerly direction to the most western tip of Ackley Point in Cutler.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: August 2, 1993


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BANGOR DAILY NEWS  
August 5, 1993

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 H, Closed Area No. 55-C, Whiting - Cutler, promulgated on January 18, 1991, and replaces it with a new regulation. This new regulation decreases the size of the previous closure by moving the north end of the old closure line (at Schoolhouse Point) easterly about 800 yards to an unnamed point located 600 yards southwest of where route 191 crosses Holmes Stream. The south end of the new line touches the western tip of Ackley Point in Cutler.

Department personnel have sampled and surveyed the waters of Holmes Bay and have determined that the areas still closed are subject to intermittent microbiological pollution. Consequently, they will stay closed for harvest of shellfish to protect the public health. Tests also show that the northwestern part of the old closure is no longer subject to pollution and can be opened for shellfish harvest without threat to the public health.



WILLIAM J. BRENNAN  
Commissioner